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09/896,365	06/29/2001	Frederick Morello	491328-600-006	2229
7590		01/02/2008		
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Washington, DC 20001				
			EXAMINER	
			CHAPMAN, JEANETTE E	
			ART UNIT	PAPER NUMBER
			3633	
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			01/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/896,365

Applicant(s)

MORELLO ET AL.

Examiner

Jeanette E. Chapman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 12 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Lacasse (4358916).

Lacasse discloses a building panel (see figure 9), comprising:

- (a) a curved central portion 330 having corrugations therein;
- (b) a pair of side wall portions 328 extending from opposite ends of said curved central portion, said curved central portion being concave-shaped from a perspective between said side wall portions, wherein said sidewall portions comprise straight portions that extend tangentially from the concave-shaped curved central portion; and
- (c) a pair of complementary wing portions 329 extending from said side wall portions.

Lacasse discloses a building structure wherein said central portion is without a longitudinal stiffening notch; see figure 9

claim 2
(Canceled).

claim 3.
Lacasse discloses wherein said curved central portion comprises an arc .

claim 12.
Lacasse discloses a building panel wherein said side wall portions extend at an incline from said opposite ends of said curved central portion.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lacasse.

claims 4-7

In column 8, the second table discloses angles between 15 and 130 degrees. The arc angles has been considered a matter of choice. One of ordinary skill in the art would have appreciated an arc angle commensurate with the intended design and function of the panel

claims 8-11

adding up all the radii shown in the tables of column 7 and columns 10-11 the arc has a radius ranging from 4 inches to 25 inches. The arc radius has been considered a matter of choice. One of ordinary skill in the art would have appreciated an arc radius commensurate with the intended design and function of the panel

Claim 13.
(Canceled),

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-15, 17, 20, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lacasse in view of Knudson (4505084).

Knudson discloses a building panel comprising:

- (a) a curved central portion 25 having corrugation therein;
- (b) a pair of side wall portions 26,27 extending from opposite ends of said curved central portion, said curved central portion being concave-shaped from a perspective between said side wall portions, wherein said sidewall portions comprise straight portions that extend tangentially from the concave-shaped curved central portion;

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wherein said side wall portions extend at an incline from said opposite ends of said curved central portion.

(c) a pair of complementary wing portions 28,29 extending from said side wall portions. One of said wing portions comprises a hook portion 32 and the other of said wing portions comprises a hem portion 31. In view of the above, it would have been obvious to one of ordinary skill in the art to include the means to join the panels as taught by Knudson in order to fashion a complete building structure.

alternatively stated a pair of wing portions extending from said side wall portions, wherein one wing portion extends from a first of said side wall portions and the other wing portion extends from a second of said side wall portions, wherein said one wing portion from a first of said panels is connected to said other wing portion from a second of said panels. See figures 3-5 of Knudson.

claim 16. (Canceled).

claim 17

Lacasse discloses a building structure wherein said curved central portion comprises an arc.

For claims 18-19

In column 8, the second table discloses angles between 15 and 130 degrees. The arc angles has been considered a matter of choice. One of ordinary skill in the art would have appreciated an arc angle commensurate with the intended design and function of the panel

By adding up all the radii shown in the tables of column 7 and columns 10-11 the arc has a radius ranging from 4 inches to 25 inches. The arc radius has been considered a matter of choice. One of ordinary skill in the art would have appreciated an arc radius commensurate with the intended design and function of the panel

Claims 21-27. (Canceled).

claim 29.

Lacasse discloses a building structure wherein said central portion is without a longitudinal stiffening notch; see figure 9

Applicant's arguments with respect to claims 1-15 and 17-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette E. Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHILCOT RICHARD can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jeanette Chapman/
Primary Examiner
Art Unit 3635
